

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

Claims 5 and 11 are currently being cancelled.

Claims 1, 6, 7, 12, 13 and 16 are currently being amended.

Claim 19 is currently being added.

This amendment adds and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending and adding the claims as set forth above, claims 1, 2, 4, 6-8, 10, 12, 13, 15, 16, 18 and 19 are now pending in this application.

Indication of Allowable Subject Matter:

Applicant appreciates the indication of allowable subject matter made in the Office Action with respect to claims 5, 6, 11 and 12. By way of this amendment and reply, the features of now-canceled "objected to" claim 5 have been incorporated into presently pending independent claim 1, and thus claim 1, as well as claims 2, 4 and 6 which depend from claim 1, are now in allowable form. Also, by way of this amendment and reply, the features of now-canceled "objected to" claim 11 have been incorporated into presently pending independent claim 7, and thus claim 7, as well as claims 8, 10 and 12 which depend from claim 7, are now in allowable form. Furthermore, presently pending independent claim 13 has been amended to include the features of "objected to" claim 5 (rewritten slightly in "apparatus" claim format), and thus claim 13, as well as claim 15 which depends from claim 13, are now believed to be in allowable form. Still further, presently pending independent claim 16 has been amended to include the features of "objected to" claim 5 (rewritten slightly in "apparatus" claim format), and thus claim 16, as well as claim 18 which depends from claim 16, are now believed to be in allowable form.

Objection to the Specification:

In the Office Action, the specification was objected to because it refers to “moving rate” instead of “moving ratio” (as used in the drawings). By way of this amendment and reply, the specification has been amended to correct this minor informality.

35 U.S.C. § 112, 2nd Paragraph Rejection of Claims 1, 2, 4-8, 10-13, 15-16 and 18:

In the Office Action, claims 1, 2, 4-8, 10-13, 15-16 and 18 were rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite, because Applicant is required to clarify the subject matters “moving rate” or “moving ratio.” The specification and the claims have been amended to clarify that “moving ratio” is the correct term.

Claim Rejections – Prior Art:

In the Office Action, claims 1, 4, 13 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,823,084 to Myers in view of JP 402020186A to Suzuki et al.; claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Myers and Suzuki et al. in view of U.S. Patent No. 6,687,420 to Matsuda et al.; claims 7, 10 and 16-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Myers and Suzuki et al. and further in view of JP2001-325401A to Sugawara; and claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Myers, Suzuki et al. and Sugawara, and further in view of Matsuda et al. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

As discussed above in the “Indication of Allowable Subject Matter” section of the Remarks, each of the presently pending independent claims under rejection has been amended to include features of an “objected to” claim (5 or 11), and thus each of the presently pending independent claims under rejection is now believed to patentably distinguish over the cited art of record, based on the indications made in the Office Action with respect to claims 5 and 11.

New Claim 19:

New independent claim 19 has been added, whereby this new claim is believed to patentably distinguish over the cited art of record, when taken as a whole. For example, claim 19 recites that the step of generating the moving image information by photographing the object to be photographed comprises the steps of:

checking if the text image of the object to be photographed is present;

making display for prompting an operator to set the object to be photographed when the text image is not present; and

generating the moving image information by photographing the object to be photographed, which is set on a document table.

Such features are not believed to be taught or suggested in any of the cited art of record.

Conclusion:

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By Phillip J. Articola

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Pavan K. Agarwal
Registration No. 40,888

Phillip J. Articola
Registration No. 38,819